



Page 1 of 6

1. Personal Information

Name and Title of Immediate Supervisor: Patrick Phillips

If Job Applicant, Date You Applied for Job _____ Job Title Applied For _____

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☒ Race ☐ Sex ☒ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; choose which type(s) of genetic information is involved:
☐ i. genetic testing ☐ ii. family medical history ☐ iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain). _____

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.

(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A) Date: 1/3/2017 Action: LSG Sky Chefs terminated me

Name and Title of Person(s) Responsible: _____

B) Date: _____ Action: _____

Name and Title of Person(s) Responsible: _____

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

Please see attached

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

Please see attached

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated *better* than you?

| A. Full Name | Race, sex, age, national origin, religion or disability | Job Title |
|------------------|---|-----------|
| Patrick Phillips | Latino | |

Description of Treatment See attached

| B. Full Name | Race, sex, age, national origin, religion or disability | Job Title |
|-----------------|---|-----------|
| Vincent Delgado | Latino | |

Description of Treatment See attached

Of the persons in the same or similar situation as you, who was treated *worse* than you?

| A. Full Name | Race, sex, age, national origin, religion or disability | Job Title |
|---------------|---|-----------|
| Chris Rigault | Latino | |

Description of Treatment See attached

| B. Full Name | Race, sex, age, national origin, religion or disability | Job Title |
|--------------|---|-----------|
| Tony Noyeau | 28 year old Caucasian | |

Description of Treatment See attached**Of the persons in the same or similar situation as you, who was treated the *same* as you?**

| A. Full Name | Race, sex, age, national origin, religion or disability | Job Title |
|----------------|---|-----------|
| Jennifer Gomez | Latino | |

Description of Treatment See attached

| B. Full Name | Race, sex, age, national origin, religion or disability | Job Title |
|------------------|---|-----------|
| Elizabeth Adames | Latino | |

Description of Treatment See attached

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☐ Yes, I have a disability
- ☐ I do not have a disability now but I did have one
- ☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

Yes ☐ No ☐

If "Yes," what medication, medical equipment or other assistance do you use?

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

Yes ☐ No ☐

If "YES", when did you ask? _____ How did you ask (verbally or in writing)? _____

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for:

How did your employer respond to your request?

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

| A. Full Name | Job Title | Address & Phone Number |
|---------------|----------------------|------------------------|
| Daniel Kwosah | Materials Supervisor | 202-604-2202 |

What do you believe this person will tell us?

See attached

| B. Full Name | Job Title | Address & Phone Number |
|--------------|------------------------|------------------------|
| Mark Webber | Former General Manager | |

What do you believe this person will tell us?

See attached

14. Have you filed a charge previously in this matter with EEOC or another agency? Yes ☐ No ☒

15. If you have filed a complaint with another agency, provide name of agency and date of filing:

16. Have you sought help about this situation from a union, an attorney, or any other source? Yes ☒ No ☐

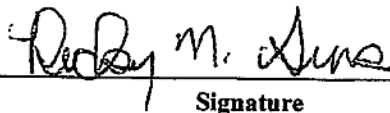
Provide name of organization, name of person you spoke with and date of contact. Results, if any?

The Employment Law Group, 888 17th St NW, 9th Floor, Washington, DC 20006 evaluated my case and offered to represent me.

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

Box 1 ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

Box 2 ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.


Signature

10/16/2017

Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08).
2. AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. 12117(a), 42 USC §2000ff-6.
3. PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
4. ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.

Attachment to EEOC Intake Questionnaire

I wish to file a charge of discrimination and retaliation with the EEOC. LSG Sky Chefs unlawfully discriminated against me based on my African American race and age (57) and retaliated against me based on my prior EEOC activity and internal complaints when it terminated me on January 3, 2017.

I am a 57 year old African American. I started working at LSG Sky Chefs on September 14, 2012 as an Operations Manager at Dulles Airport. I managed about 40 employees. Under my leadership, the Dulles Sky Chefs operation transformed from one of the lowest performing locations to one of the highest performing locations.

Mark Webber, my boss from when I started at Sky Chefs until mid-2015 recognized my hard work. Under Mark, I earned above average performance reviews. For my review from 2013 to 2014, Mark rated me as a 4.77 out of a possible 5. Some of the feedback I received from Mark in this review included:

- "Good planning skills, has robust process that enable the department to achieve daily, weekly, and monthly targets."
- "Demonstrates great initiative."
- "Rick is a strong and driven Leader and sets clear goals to his team."

Patrick Phillips, who I believe is a Latino male in his 50s, became my boss in early 2015. Patrick had no prior management experience. Patrick was hostile toward me from the start and seemed intimidated by my superior performance. I soon noticed that Patrick repeatedly moved your African American subordinates into undesirable positions and moved Latinos into these favorable positions. Chris Rigault is one of the Latinos Patrick elevated at the expense of an African American. Patrick treated me poorly and targeted me with unwarranted criticism. Patrick repeatedly undermined me by going around me and managing my subordinates.

In November 2015, Patrick issued me a counseling memo and a very negative performance review. These documents contained exaggerated negative information. I could tell that Patrick was pushing me to quit. In December 2015, Patrick placed me on a Performance Improvement Plan. After 90 days, Patrick extended the PIP for another 60 days.

Despite being on a PIP for allegedly poor performance, on April 7, 2016, I earned an Incentive Award issued to me by Sky Chefs Regional Chief Operation Officer.

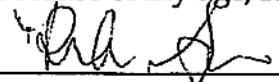
In or about July 2017, I filed a charge of discrimination with the EEOC (EEOC Charge Number: 570-2016-01564) because it was clear that Patrick would give me negative feedback no matter what I did or how closely I followed his direction in areas where I supposedly needed to improve.

After I received the Right to Sue Letter, Sky Chefs HR reached out to me in October 2017 to investigate my discrimination claims. HR intervened and for a few weeks, Patrick's discrimination, harassment, and targeting ended. However, by Mid-November, Patrick's poor treatment returned. I reached out to HR on November 17, 2017 to notify them that Patrick had started treating me poorly again. I told HR that I was decided to not pursue my previously issued Right to Sue letter because HR had intervened. I had let my Right to Sue expire because HR had seemingly stopped Patrick's discrimination. I did not hear back from HR at this time.

On January 3, 2017, Patrick terminated me. He again cited exaggerated performance concerns. One reason Patrick cited was that I allowed expired food onto a plane. I know of others who have made more serious mistakes and not been terminated. For example, a chef prepared food that made an entire plane sick. He was not terminated.

Patrick replaced me with a 38 year old white male, Tony Noyeau. I learned that three younger Latinos assumed many of my job duties. Their names are Jennifer Gomez, Elizabeth Adames, and Vincent Delgado.

I believe Patrick issued me unwarranted discipline and ultimately terminated me because of my age, race, and protected activity.



Rick Sims

10/16/2017

Date